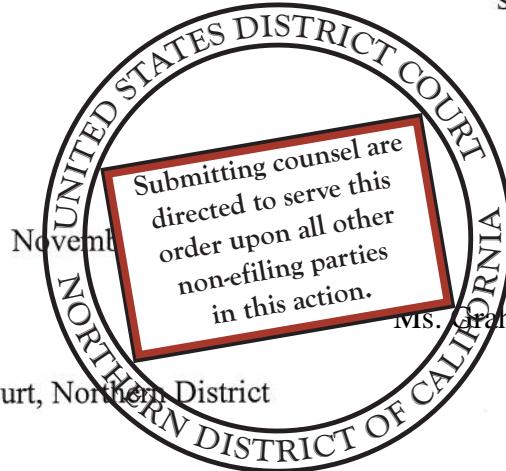


EDMUND G. BROWN JR.
Attorney General

**State of California
DEPARTMENT OF JUSTICE**



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The Honorable Susan Illston
Judge of the United States District Court, Northern District
450 Golden Gate Avenue
Courtroom 10, 19th Floor
San Francisco, CA 94102

MS. Graham may appear by telephone.

RE: EDIN CHACON v D. GALLIAN, ET AL.
U.S.D.C.Northern District Case No. C05-4880 SI (PR)



Dear Judge Illston:

I retrieved your Pre-Trial Order today which was posted on November 21, 2008. In this order, defendant Lisa Graham's motion for summary judgment was denied. When I called Ms. Graham to inform her that she will need to appear for trial on December 16, 2008, she was very upset.

Ms. Graham's eighteen year old son, Micah Olson, is currently in training with the Air Force at Fort Leonardwood in Missouri. Mr. Olson is scheduled to return home for a visit around December 13, 2008 for week to ten days. Thereafter, he will be assigned to North Dakota for staging. Ms. Graham had scheduled to take off work the entire period of time that her son was home. Ms. Graham does not want to take any time away from this visit.

For these reasons, we request permission for Lisa Graham to appear by telephone. Should the court deny this request, we seek the court's permission to allow Ms. Lisa Graham to give her testimony within the constraints of her airplane schedule which would permit her to fly in on December 16, 2008 and leave on the same day.

We would prefer Ms. Lisa Graham to appear in person to testify. It would be a more effective presentation. Ms. Graham has indicated her preference to appear by telephone and will accept the consequence of that decision. Ms. Graham has been fully informed of the negative effects of a telephone appearance, in lieu, of a person appearance. Consequently, we support her request to appear by telephone.

The Honorable Susan Illston
May 7, 2008
Page 2

Sincerely,



KAY K. YU
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

cc: Edin Chacon

KKY:ah

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7 Evelyn Pearcy and Lloyd Goulter

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EDIN AUGUSTO CHACON

Plaintiff

v.

GALLIAN , ET AL.

Defenda

CASE NO. C05- 4880 SI (PP)

DECLARATION OF LISA GRAHAM

I, Lisa Graham declares that:

18 1. I am employed by the California Department of Corrections and
19 Rehabilitation at Pelican Bay State Prison as a Licensed Vocational Nurse.

20 2. On November 24, 2008, Deputy Attorney General Kay Yu called me to
21 tell me that my motion for summary judgement was denied and that I must appear for trial on
22 December 16, 2008 for a two-day trial.

23 3. I have an eighteen-year old son named Micah Olson. He is currently in
24 training with the Air Force at Fort Leonardwood in Missouri.

25 4. My son told me that he has been granted leave to return home for a visit
26 around December 13, 2008. The visit will be approximately one week to ten days. He has not
27 been informed of the exact dates.

5. My work schedule has been arranged so that I can be with my son the

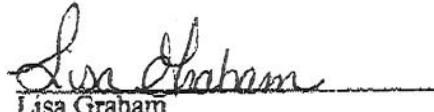
1 entire period of his visit.

2 6. After his family visit, my son will be assigned to Minot, North Dakota.

3 There is a possibility that he may be reassigned overseas.

4 7. To allow the maximum amount of time with my son, I request that the
5 Court grant me permission to appear by telephone.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct of my own personal knowledge or information that I believe is true,
8 and this declaration is executed in Crescent City, California on November 24, 2008.

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Lisa Graham
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